



Halifax Zoning Board of Appeals

Meeting Minutes

February 13, 2023

The Halifax Zoning Board of Appeals held a public meeting/hearing on Monday, February 13, 2023, in the Board of Selectmen's Meeting Room at Halifax Town Hall, 499 Plymouth Street, Halifax, MA with the following Board members in attendance: Vice Chairman - Kozhaya Nessralla, Members – Gerald Joy, Robert Durgin, and Tina Kenyon; Clerk - Peter Parcellin; Associate Member – Marline Amedee

Vice-Chair Kozhaya Nessralla calls the meeting to order at 7:00pm and informs the audience that this meeting is being recorded.

Appointment

- 7:00pm – Hearing – Petition #986 – Deangele Duarte, 359 Plymouth Street – SP Contractor Storage and Office Space (**Filed 1/19/23**) Present: Kevin Grady (Grady Consultant)

Grady states that the Zoning Board of Appeals can grant a permit when they find that the use involved will not be detrimental to the established or future character of the neighborhood or the town. He is presenting on how he believes the project is not detrimental to the area. They are proposing a landscape contractor yard. They come in in the morning to gather materials and leave for the day. They produced a comprehensive storm water design. Septic system proposed in front of the building. Dumpster location enclosed. Proposed fencing around the perimeter. The only lighting proposed are wall pack downcast lights. Metal building with masonry features. There are other business' in the area as well as some residential homes.

Joy asks if the site plan has been reviewed by the planning board.

Grady states they do not want to act upon it until the special permit is issued.

Nessralla asks what the hours of operation are.

Grady states that it will vary season to season with snow and sunlight.

Nessralla asks if they will be storing salt and if it will be stored in a contained area.

Grady states there will be a storage container out back.

Nessralla asks if there is going to be one entrance and exit.

Grady confirms and states they spaced it away from the Dunkin Donuts.

Amedee asks what the buffer will be between the site and the residential houses.

Grady states there will be a tree buffer put in place. They can add more trees in the Board thinks it will be an issue.

Joy asks how many employees they have.

Duarte states they have eighteen.

Durgin asks if the building is just used for the business or if there will be retail sales.

Duarte states the building will only be used by the business.

Parcellin asks how tall the building is.

Grady states it is twenty-four feet to the top of the wall with a very flat pitched roof estimating 26 feet in height.

Nessralla asks the square footage of the building.

Duarte states it is 7500 square feet.

Parcellin asks if Grady can discuss other buildings in the immediate business district that are of similar size and of similar nature.

Grady states it is similar to the established auto parts store.

Kenyon states they all have a similar concern that you would be coming out of Country Club Drive and there will be essentially a warehouse building. She states she is okay with the use but the aesthetic might be an issue.

Grady states they can look into architectural changes.

Parcellin states that aesthetics was also one of his concerns and wanted to confirm that based on the By-Law there will be no noise, vibration, smoke, glare, flashing, or other emissions to other properties.

Grady states it is more of a store and there will be no processing of materials. They will bring materials in and take them out to the job site.

Parcellin asks how much mulch and loam will be stored on the property. With other site in down there have been issues with the amount of materials that are being stored and they don't want to run into that issue.

Grady states the materials will be stored in bin blocks about 14 feet wide and 14 feet deep. There will be 5 bays for material storage and 8 trucks with one single axel being stored on the site.

Duarte states he will be putting in a white vinyl fence for privacy.

The board opens up to the audience for questions.

Fred Corrigan, 7 Rosewood Drive, states that the row of trees on the front of the property need to come down since they block the view of oncoming traffic. His biggest concern is having a fence along the line of site exiting the site. He asks if the locate can change the use years down the road if a new owner comes in.

Joy states they would have to come in front of the Board for a chance of use permit.

Bert Gaynor, 17 Pemmican Way, asks if there will be floor drains in the building.

Grady states the floor drains flow to a tight tank located in the back.

Gaynor states that the aesthetics of the building is important, and the chair of the Historical Commission wrote a letter to the Planning Board with concerns of what the building will look like. He also stated concerns about a tractor trailer having enough room to pull in a drop off supplies.

Grady states that there is plenty of room for the trailers to pull in and then back in to unload and pull out.

Nessralla states that the biggest concern is the building look itself.

Grady sites they will talk about architectural designs and work on it.

Gaynor states that the Building Inspector, James Perry, declared the project to be light industrial use because that is the closest he could come up with that meets the criteria in the By-Laws.

Chris Winiewicz, 129 Circuit Street, has the same concern with the site view from the proposed site. He also had a concern with storage of pesticides and how they will be stored.

Duarte states that they use fertilizer on rare occasion and if they have it it will be stored inside.

Nessralla states he would have to use caution when storing those types of materials, so they don't get wet, and cause run off and contaminate the ground.

Winiewicz states his concerns with the look of the building.

Nessralla states they can come back to the Board on March 13th with different building designs.

Winiewicz asks if the porta potties business is going to be run there as well.

Nessralla states that the special permit he is receiving does not have any mention of porta potties being stored. He can only store landscaping supplies.

Durgin asks if fuel is going to be stored on site.

Duarte states no and that they will be using the gas stations to fuel their equipment.

Grady wanted to confirm what they were able to have household amounts of fuel.

Nessralla states yes, they just don't want him having 500-gallon tanks on the site.

Tina Alger, 340 Plymouth Street, states her concerns about the Porta Potties and how they are an eye sore.

Nessralla asks Duarte why they are there.

Duarte states they are for construction.

Nessralla asks if they can be moved until construction begins since they are an eye sore to the town.

Duarte states he will move the porta potties tomorrow.

Alger states that RT 106 is going to have to be widen someday because there is so much traffic. With septic systems on the front of the property is going to be a program when having streets widen.

Grady states they followed all the Title V requirements.

Alger asks what the storage vehicles going to be.

Grady states F150, bobcats, lawn mowers. They are going to fence it in so it looks more like a parking lot and the machinery will be behind the fence.

Sullivan, Lydon Lane asks if the trucks will be coming in and out all day long.

Duarte states they will leave at 7:30 am and be gone for the entire day and come back at 4:30 pm.

Parcellin mentions he has five questions he would like to have more clarity on before the next meeting. What specifically is going to be stored there and how much? Where on the site that would be. Updates to the style of building. Where the vehicles for the company will be stored.

Kenyon makes a motion to continue to the March 13th Meeting.

Parcellin second

All in Favor (5-0-0)

Appointment

- 7:05pm – Hearing – Petition #985 – Derek Lewis, 172 Monponsett Street – Special Permit to add to existing building (**Filed 01/04/23**)

Lewis wants to make the existing building he has bigger and knock down 2 of the other buildings that are falling over. Build a nice-looking pole barn to store his belongings in. There are trees in between the location of the barn and the street so you won't be able to see much from the street.

Nessralla asks if he will be running a business out of it.

Lewis responds no, he will only be using it to store his classic car and motorcycle.

Parcellin asks why he wants the barn that size.

Lewis states that his father has a 30 x 30 barn and it's just not big enough to store all his stuff.

Nessralla asks if there will be running water.

Lewis responds no, there will only be electricity for the garage doors.

Parcellin asks if there are similar buildings in the area.

Lewis states it looks like any other pole barn you see on RT 58

Gary Vaughn, 180 Monponsett street, states there is a barn similar to Lewis at 182 Monponsett Street.

Nessralla asks him if he has any concerns with the project.

Vaughn states he doesn't have any concerns with the project.

Lewis states he has a text message from his other neighbor stating he fully supports his project.

Parcellin makes a motion to waive the site visit.

Durgin seconds

All in Favor (5-0-0)

Parcellin makes a motion to accept Petition #985 with a few conditions. No commercial business, no income producing, and no water/ plumbing.

Kenyon seconds

All in Favor (5-0-0)

Appointments

- 7:10pm – Hearing – Petition #984 – James Rodriguez, 9 Lake St – Special Permit & Variance to raze and rebuild home **(Filed 11/23/22)**

James Rodriguez is proposing to add a second story which is one room and a half bath to the existing root print. He is trying to keep it as low profile as he can. He is also looking to lower the foundation from 2 feet to 1 foot.

Kenyon asks if lowering the foundation will open him up to flooding.

Rodriquez does not think it will open him up to flooding but the groundwater is more of an issue then the flooding.

Nessralla states he is creating a hardship by adding the variance to it.

Rodriquez states he doesn't know if there is a hardship for the height above the top of the foundation. He is happy not to put that it. It would just be an additional height for the foundation walls.

Parcellin states that if they do not see a hardship with the variance then they legal cannot approve it. It would be an easier approval to keep the foundation as is and not go for a variance.

Nessralla states they are trying to make the process easier.

Parcellin states doesn't know if the change in foundation height would change other By Laws being met.

Rodriquez states he hopes that updating the dwelling will be a benefit to the neighborhood.

Parcellin states the variance is not a strong argument to put in but the special permit to extend the use before the By-Laws to restore the property might not be issued if a different By-Law is not followed.

Parcellin asks what the extension is.

Rodriquez believes it comes out four feet forward in one location. Noting is going to move side to side. It will be a two-story building but nothing as big as some of the dwellings already on the street.

The board reviews the plans Rodriguez has for his property.

Nessralla states he needs plans that are stamped by an engineer.

Rodriquez states he looked at other petition files and the proposed plans were not stamped but the certified plans need to be.

The board has concerns with setbacks were the plan shows the dwelling being twisted and that changing the setbacks on the dwelling. The Board asks Rodriguez not to twist the dwelling to keep the foot print the same.

Rodriquez respectfully asks the board for a continuance to update the plans and avoid all of the issues discussed.

Bert Gaynor mentioned that a former Building Inspector Piccirilli had an issue with the pitch in the roof because there was water damage and repair work altered the pitch of the roof and it did not conform with the by-laws. Gaynor adds that if there is going to be a change in nonconformity then it will not be grandfathered in anymore.

Keyon makes a motion to continue the hearing to next meeting, March 13th at 7:10pm.

Parcellin seconds

All in Favor (5-0-0)

Meeting Minutes

- December 12, 2022

Continued Meeting Minutes until next meeting.

Bills

- Plympton-Halifax Express – Pet #984 Advertisement #13894 = \$90.00
- Plympton-Halifax Express – Pet #985 Advertisement #13984 = \$90.00
- Plympton-Halifax Express – Pet #986 Advertisement #14008 = \$90.00

Parcellin motions to accept bills.

Joy seconds

All in Favor (5-0-0)

Correspondence

- Board of Selectman letter to Morse Brothers Inc
- Silva Engineering – 0 & 314 Plymouth Street – request to move hearing.
 - Parcellin reads 314 Plymouth street extension request.
 - Nessralla recuses himself.
 - Kenyon motions to continue hearing until March 13th at 7:20pm
 - Joy seconds
 - All in favor (4-0-0)
- 1/30/23 – Memo and site plans from Planning Board – 0 & 314 Plymouth Street / Self Storage and Rental Office – Comments
 - No concerns
- 1/30/23 – Memo and site plans from Planning Board – 0 & 592 Plymouth Street / Grading and Drainage Site plan – Comments
 - No concerns
- 2/6/23 – Memo and site plans from Planning Board – 416 Plymouth Street / Open-Air Commercial Use – Comments
 - No concerns

ADJOURN:

- M/Kenyon, S/Parcellin. Unanimously approved (5-0-0) to adjourn at 8:40pm with all in favor. (Voice Vote: Durgin – Yes; Parcellin – Yes; Joy – Yes; Kenyon – Yes; Nessralla – Yes)

DOCUMENTS

1. Agenda for 2/13/2023
2. Application Packet - Petition #984
3. Application Packet - Petition #985
4. Application Packet - Petition #986
5. Meeting Minutes – 10/3/22
6. Expense Bill Schedule – 2/13/23, PH Express – Petition Advertisement 984, 985, 986
7. PH Express Invoice for Ad #13894
8. PH Express Invoice for Ad #13948
9. PH Express Invoice for Ad #14008
10. 1/30/23 – Memo and site plans from Planning Board – 0 & 314 Plymouth Street / Self Storage and Rental Office for Comments
11. 1/30/23 – Memo and site plans from Planning Board – 0 & 592 Plymouth Street / Grading and Drainage Site plan for Comments
12. 2/6/23 – Memo and site plans from Planning Board – 416 Plymouth Street / Open-Air Commercial Use for Comments

Respectfully submitted,

Date: 2/21/2023



Vice-Chairman, Kozhaya Nessralla
Halifax Zoning Board of Appeals